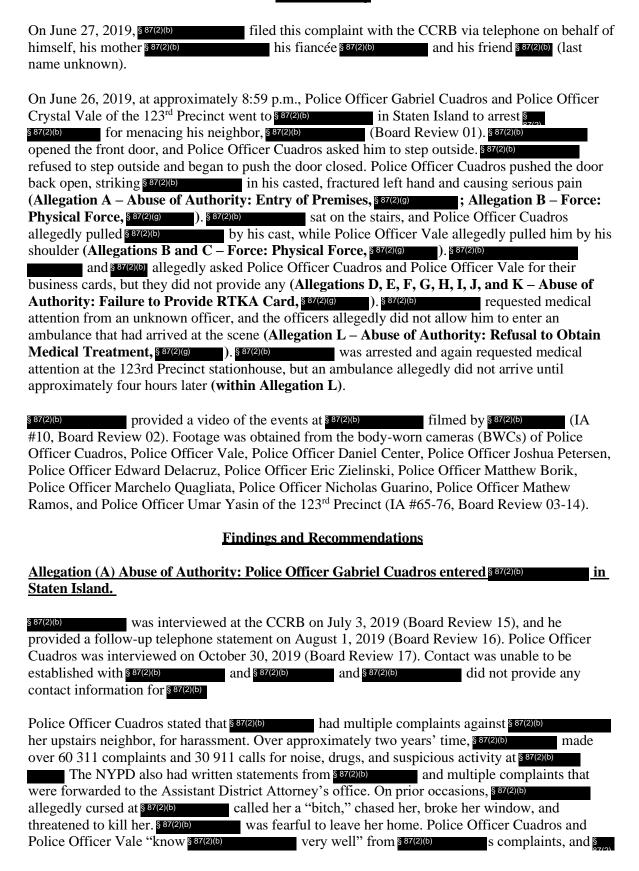
CCRB INVESTIGATIVE RECOMMENDATION

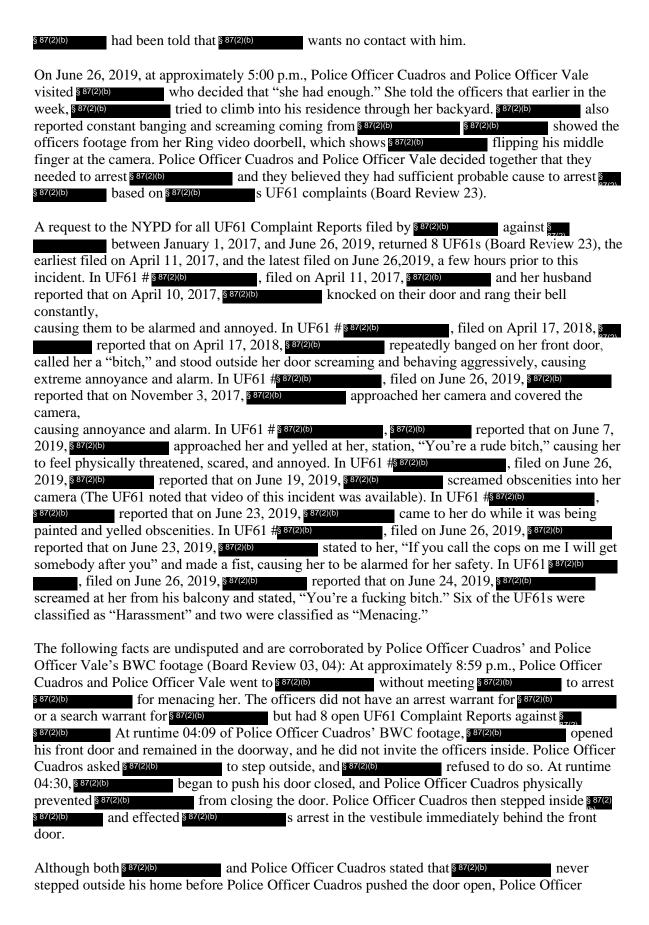
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Investigator:	Te	am:	CCRB Case #:	▼ Force	☐ Discourt.	☐ U.S.
Jean Paul Lozada	Sq	uad #2	201905646	☑ Abuse	O.L.	✓ Injury
Incident Date(s)	Lo	cation of Incident	:	Precinct:	18 Mo. SOL	EO SOL
Wednesday, 06/26/2019 8:59 PM	√I § 87	(2)(b)		123	12/26/2020	8/12/2021
Date/Time CV Reported	CV	Reported At:	How CV Reported	l: Date/Tin	ne Received at CC	RB
Thu, 06/27/2019 2:19 PM	CC	CRB	Phone	Thu, 06/	27/2019 2:19 PM	
Complainant/Victim	Type	Home Add	lress			
	-JF*					
Witness(es)		Home Add	lress			
Subject Officer(s)	Shield	TaxID	Command			
1. POF Crystal Vale	25822	952310	123 PCT			
2. POM Gabriel Cuadros	20548	958453	123 PCT			
3. Officers			123 PCT			
Witness Officer(s)	Shield No	Tax No	Cmd Name			
1. POM Eduardo Gray	15901	964029	123 PCT			
2. POM Lucas Kalas	09974	954014	123 PCT			
3. POM John Diaz	24730	962360	123 PCT			
4. POM Daniel Center	29164	945574	123 PCT			
5. POM Joshua Petersen	14629	964212	123 PCT			
6. POM Elio Chianetta	16230	957455	123 PCT			
7. POM Christophe Gonzalez	00643	960601	123 PCT			
8. POM Matthew Borik	29136	964937	123 PCT			
9. SSA Andre Teterycz	03188	907433	123 PCT			
10. LT Daniel Tovar	00000	946338	123 PCT			
11. POM Marchelo Quagliata	10644	953279	123 PCT			
12. POM Nicholas Guarino	22917	962451	123 PCT			
13. POM Mathew Ramos	07913	959114	123 PCT			
14. POM Eric Zielinski	12893	953606	123 PCT			
15. POM Umar Yasin	16312	958180	123 PCT			
16. POM Edward Delacruz	08278	960429	123 PCT			
Officer(s)	Allegation			In	vestigator Recor	nmendation
A.POM Gabriel Cuadros	Abuse: Polic § 87(2)(b)	e Officer Gabriel in Staten Is				

Officer(s)	Allegation	Investigator Recommendation
B.POM Gabriel Cuadros	Force: Police Officer Gabriel Cuadros used physical force against §87(2)(b)	
C.POF Crystal Vale	Force: Police Officer Crystal Vale used physical force against \$87(2)(b)	
D.POM Gabriel Cuadros	Abuse: Police Officer Gabriel Cuadros failed to provide with a business card.	
E.POM Gabriel Cuadros	Abuse: Police Officer Gabriel Cuadros failed to provide with a business card.	
F.POM Gabriel Cuadros	Abuse: Police Officer Gabriel Cuadros failed to provide with a business card.	
G.POM Gabriel Cuadros	Abuse: Police Officer Gabriel Cuadros failed to provide Unknown with a business card.	
H.POF Crystal Vale	Abuse: Police Officer Crystal Vale failed to provide with a business card.	
I.POF Crystal Vale	Abuse: Police Officer Crystal Vale failed to provide with a business card.	
J.POF Crystal Vale	Abuse: Police Officer Crystal Vale failed to provide with a business card.	
K.POF Crystal Vale	Abuse: Police Officer Crystal Vale failed to provide (S) Unknown with a business card.	
L. Officers	Abuse: Officers did not obtain medical treatment for (5)	

Case Summary



CCRB CTS – Confidential Page 2



CCRB CTS – Confidential Page 3

Vale's BWC footage (Board Review 04) at runtime 04:16 shows that while speaking to the officers, briefly took a step outside and straddled the threshold of the doorway (one foot inside, one foot outside) for approximately five seconds before he stepped fully back inside and attempted to close the door.

People v. Gonzales (111 A.D.3d 147, 2nd Department, 2013), citing Payton v. New York (445 U.S. 573, SCOTUS, 1980) and People v. Reynoso (309 A.D.2d 789, 2nd Department, 2003; affirmed in People v. Reynoso, 2 N.Y.3s 820, NY Court of Appeals, 2004), states, "The Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not be reasonably crossed without a warrant... As the United States Supreme Court said in Payton, 'the Fourth Amendment protects the individual's privacy in a variety of settings. In none is the zone of privacy more clearly defined than when bounded by the unambiguous physical dimensions of an individual's home... In Reynoso, the police testified that the defendant had voluntarily left his home upon their request that he step outside. The defendant, by contrast, contended that, after he 'put [his] head outside the door jamb to see who was calling at this later hour', the police reached in and pulled him out. Thus, in both versions of what had transpired, the defendant had voluntarily emerged, at least in part, from his home. By doing so, he surrendered the enhanced constitutional protection of the home" (Board Review 18).

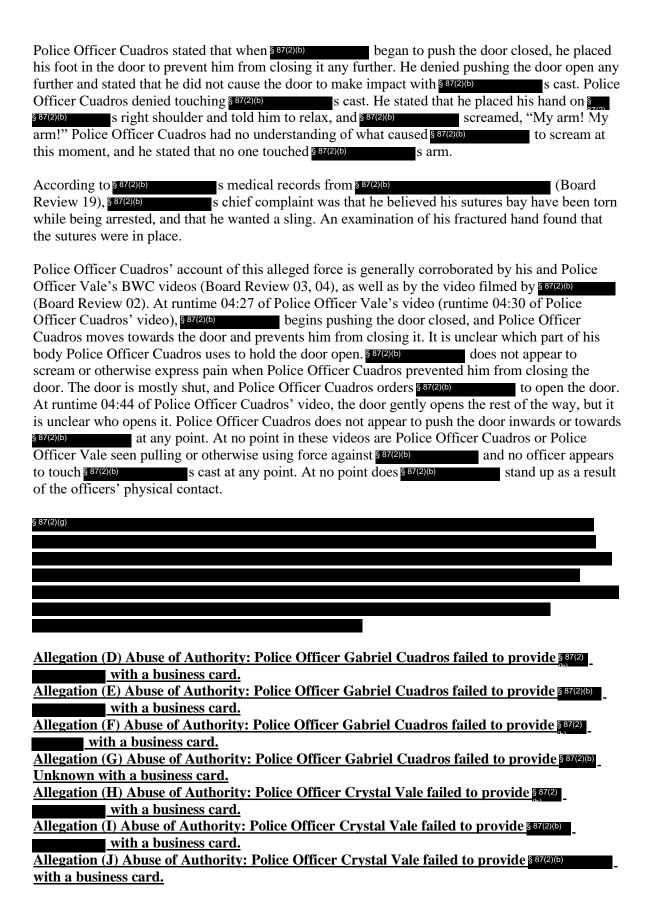
Gonzales involved an incident in which, \$87(2)(9) officers went to an individual's residence to arrest him. The individual opened the door. After speaking with the officers, he attempted to close the door, and the officers pushed their way in and arrested him. The court ruled that, "If the defendant's encounter with the police had begun outside his home, or even on the threshold of it, the defendant could not have avoided arrest by fleeing into his home," but since "he had never left the constitutionally protected interior of his home in the first place, even partially, he did not 'flee' into his home," and so the officers' entry was improper. The court contrasted the circumstances in Gonzales with Reynoso (\$87(2)(9)) on the fact that while in Reynoso the defendant, at minimum, stuck his head out past the threshold, in Gonzales, he did not exit at all.

§ 87(2)(g)	

Allegation (B) Force: Police Officer Gabriel Cuadros used physical force against \$87(2)

Allegation (C) Force: Police Officer Crystal Vale used physical force against [887(2)]

stated that when Police Officer Cuadros pushed the door open, the door struck his casted, already-fractured left hand, causing severe pain. sat down on the stairs, and Police Officer Cuadros pulled his left arm by the cast, while Police Officer Vale pulled him by his left shoulder. sat down on the stairs believed the officers were attempting to pull him out of his home. As a result of these pulls, sat down on the stairs.



CCRB Case # 201905646

CCRB CTS – Confidential Page 5

§ 87(2)(b) with a business card. stated that while the officers brought him to a police vehicle, he, \$87(2)(b) and saventh asked Police Officer Cuadros and Police Officer Vale for their business cards, and they did not provide their cards or otherwise respond to these requests in any fashion. Police Officer Cuadros stated that no one asked him or Police Officer Vale for their business cards. At no point in any of the officers' BWC videos (Board Review 03-14) or \$37(2)(5) (Board Review 02) is § 87(2)(b) or § 87(2)(b) heard asking any officer for a business card. § 87(2)(g) Allegation (L) Abuse of Authority: Officers refused to obtain medical treatment for [97(2)] stated that at § 97(2)(b) he asked one of the officers for medical attention, but he did not recall which one he asked. An ambulance arrived at the scene, but \$37(2)(b) did not recall why he did not get in an ambulance. §87(2)(6) did not believe the officers allowed him to speak to the EMTs because they instead placed him in a police vehicle and took him to the 123rd Precinct stationhouse. At the stationhouse, \$\sqrt{97(2)(6)}\$ and Police Officer Cuadros and Police Officer Vale for medical attention, and an ambulance did not arrive until four hours later. Police Officer Cuadros stated that \$87(2)(b) refused medical attention at \$87(2)(b) and that no officer prevented him from entering the ambulance. At the stationhouse, an officer asked \$87(2)(b) said no. Police Officer Cuadros called an ambulance to the stationhouse anyway, and EMTs arrived and offered to render care to \$87(2)(b) who again refused medical attention. In Police Officer Cuadros' BWC footage (Board Review 03), at runtime 18:46, an ambulance is seen parked outside \$\frac{3}{2}(2)(b)\$ Sergeant Andre Teterycz of the 123rd Precinct asks, "Do you require the ambulance, yes or no?" \$87(2)(b) says, "It's gonna be easier for me to get there quicker, right?" Sergeant Teterycz says, "No, sir. Either we go to the hospital and then to the precinct, or we go to the precinct." \$87(2)(b) says, "I want to go to the precinct first." Sergeant Teterycz asks, "When you get to the precinct, do you require an ambulance?" says, "No, I don't need medical attention. I just came back from the hospital." Sergeant Teterycz again asks \$87(2)(b) if he needs an ambulance, and \$87(2)(b) says no. refused medical attention several more times en route to and at the 123rd Precinct stationhouse (see runtimes 26:09 and 34:52). At runtime 37:22 (timestamp 9:32 p.m.), who is in a cell, asks for a sling, and Police Officer Cuadros requests an ambulance to the stationhouse via radio. Police Officer Vale's second BWC video (Board Review 05) begins at 9:50 p.m. and shows two

Allegation (K) Abuse of Authority: Police Officer Crystal Vale failed to provide [2072][5]

EMTs - § 87(2)(b) and § 87(2)(b) — speaking § 87(2)(b) in a cell. A runtime

"I'd rather see the judge first," and, "I'll go to the hospital tomorrow."

§ 87(2)(g)	
	Civilian and Officer CCRB Histories
•	This is the first CCRB complaint to which \$87(2)(b) and \$87(2)(b) have been parties, and the second CCRB complaint to which \$87(2)(b) has been a party (Board Review 20).
•	Police Officer Gabriel Cuadros has been a member of service for four years and has been a subject in five other CCRB complaints and 15 other allegations, none of which were substantiated. [387(2)(9)]
•	Police Officer Crystal Vale has been a member of service for eight years and has been a subject in two other CCRB complaints and three other allegations, none of which were substantiated. \$37(2)(9)
	Mediation, Civil and Criminal Histories
•	This complaint was not suitable for mediation. As of December 26, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 21).
·	
•	§ 87(2)(b)
Squa	d No.: 02
Inves	SI Jean-Paul Lozada Signature Print Title & Name Date
Squa	d Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 04/02/2020

	Signature	Print Title & Name	Date
Reviewer:			
_	Signature	Print Title & Name	Date